IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

CRL.A.No. 1176 of 2002()

CC.424/2001 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, KANNUR.
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APPELLANT: COMPLAINANT:

U.T.JAYANDAN, S/O. KUNHIRAMAN,
AGED 48 YEARS, MACHERY, P.O. MOWENCHERRY,
KANNUR DISTRICT.

BY ADV. SRI.P.M.PAREETH

RESPONDENTS: ACCUSED AND STATE:
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1. **E.M.RAVEENDRAN, AGED 40 YEARS,**
   PUTHUPANAM, PALOLIPALAM, BADAGARA.

2. **STATE OF KERALA,**
   REPRESENTED BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.SANTHOSHKUMAR

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.1176 of 2002(D)

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Dated this the 8th day of August, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.424/2001 in the file of the Judicial Magistrate of the First Class-II, Kannur, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned due to unavoidable circumstances.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 10/09/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

Sd/-

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

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Crl.A.No.1176 of 2002(D)

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J U D G M E N T

8th August, 2007